

REMARKS

Claims 5-7 and 9-23 are currently pending in this application. Claims 1-4 and 8 have been canceled. Claims 10, 13, 15, 17 and 19 have been amended. Claim 23 has been added. Applicant has carefully reviewed the Office Action and respectfully requests reconsideration of the rejected claims in view of the remarks presented below.

Claim Rejections Under 35 U.S.C. §102

Claims 1-3, 8, 10-11, 15-17 and 19-22 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,609,023 (Fischell et al.).

Claims 1-3 and 8 have been canceled.

Claim 10 has been amended to depend from allowable claim 9. Claim 11 depends from claim 10. Accordingly, claims 10 and 11 are believed to be in condition for allowance.

Independent claims 15 and 17 have been amended to recite subject matter similar to allowed claim 9. Claim 16 depends from claim 15. Each of claims 19-22 depends directly or indirectly from claim 17. Accordingly, claims 15-17 and 19-22 are believed to be in condition for allowance.

Claim Rejections Under 35 U.S.C. §103

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fischell in view of U.S. Patent No. 5,273,049 (Steinhaus). Claims 13-14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fischell in view of U.S. Patent Application Publication U.S. 2003/0023175.

Claim 4 has been canceled.

Claim 13 has been amended to depend from allowable claim 12. Claim 14 depends from claim 13. Accordingly, claims 13 and 14 are believed to be in condition for allowance.

Claim 18 depends from claim 17 and is believed allowable on this basis.

New Claim 23

New claim 23 is a method claim corresponding to allowed claim 9 and is believed allowable.

Allowable Subject Matter

Claims 5-7, 9 and 12 were allowed.


CONCLUSION

Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, reconsideration and allowance of Applicant's claims 5-7 and 9-23 are believed to be in order.

Respectfully submitted,

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Date


David S. Sarisky, Reg. No. 41,288
Attorney for Applicant
818-493-3369

CUSTOMER NUMBER: 36802